

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 22-50209

HUSSEIN JIHAD MOUZAIHEM,

Chapter 13

Debtor.

Judge Thomas J. Tucker

ORDER DENYING DEBTOR'S MOTION TO EXTEND THE AUTOMATIC STAY

This case is before the Court on a motion filed on January 27, 2023 by the Debtor, entitled "Debtor's Motion to Extend Stay Beyond 30 Days Pursuant to 11 USC §362(c)(3)(B)" (Docket # 12, the "Motion"). The Court must deny the Motion, because it was not timely filed, and because it was filed too late to enable the Court to comply with the 30-day hearing deadline of 11 U.S.C. § 362(c)(3)(B).

Under 11 U.S.C. § 362(c)(3)(B), in order for the Court to extend the automatic stay, a hearing on a motion to extend the automatic stay must be completed within 30 days after the filing of the case. Because of the statute's 30-day hearing deadline, LBR 4001-4(a) (E.D. Mich.) requires that a motion to extend the stay be filed and served within seven days after the bankruptcy petition is filed. LBR 4001-4(a) provides further: "When such a motion is filed, the court will schedule a hearing with a notice to all parties in interest. If the movant has not received a notice of hearing within seven days after filing the motion, the movant may contact the judge's courtroom deputy clerk to obtain a hearing date within the time limit established by law."

The Debtor filed his voluntary petition for relief under Chapter 13 in this case on December 29, 2022. The Debtor did not file the Motion until 11:15 p.m. on Friday, January 27, 2023, which was 29 days after the petition date, and 22 days *after* the deadline to file such a

motion expired under LBR 4001-4(a). The 30-day hearing deadline expired on Monday, January 30, 2023.¹ Because the timing of the Motion's filing made it impossible to schedule and conclude a hearing on the Motion within the required 30-day period, and give adequate notice of that hearing to creditors, the Motion must be denied.

Accordingly,

IT IS ORDERED that the Motion (Docket # 12), is denied.

Signed on January 30, 2023



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge

¹ Thirty days after the filing of the bankruptcy petition was Saturday, January 28, 2023. The next day that was not a Saturday, Sunday, or legal holiday was Monday, January 30, 2023. *See* Fed. R. Bankr. P. 9006(a)(1)(C).